

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

WILLIAM A. CAMPBELL,

Petitioner,

: Case No. 1:14-cv-013

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

WARDEN, London Correctional
Institution,

:

Respondent.

REPORT AND RECOMMENDATIONS

Petitioner William Campbell, who is represented by counsel, filed this habeas corpus action January 3, 2014 (Petition, ECF No. 1). Campbell sought relief from his conviction in the Hamilton County Court of Common Pleas on two counts of aggravated vehicular homicide and one count of operating a motor vehicle under the influence of alcohol for which he was sentenced to be imprisoned for twenty-eight years.

On December 1, 2016, the Magistrate Judge granted Petitioner's Motion to Hold Proceedings in Abeyance pending his return to state court to exhaust his Third, Fifth, Sixth, and Seventh Grounds for Relief (Decision and Order, ECF No. 72). The order required Petitioner to keep this Court contemporaneously advised of the status of state court proceedings. *Id.* at PageID 4246. Although the Warden had opposed the Motion, Respondent lodged no objection to the Decision and Order and it has remained in effect since entered.

On February 17, 2020, Petitioner reported that the Hamilton County Court of Common Pleas had granted his motion for new trial, set that trial for May 11, 2020, and released Petitioner

on his own recognizance (Eleventh Status Report, ECF No. 88). Although Judge Luebbers' Entry does not say so, the granting of a new trial necessarily vacates the prior judgment. Petitioner is now in state custody on his own recognizance bond awaiting trial, rather than on the prior judgment.

Because the collaterally attacked state court judgment in this case has been vacated, this case has become moot. The Magistrate Judge *sua sponte* recommends that the Petition herein be dismissed without prejudice.

February 18, 2020.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal.